S.B. Civil Misc. Appeal No.252/1996
The State of Rajasthan
vs
Usman & Ors.

DATE OF ORDER : - 12.10.2004

HON'BLE MR. PRAKASH TATIA,J.

Mr.N.Moolchandani, Dy.Govt. Advocate, for the appellant.

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The appeal has been listed so that appellant may provide information about the latest position of the Civil Original Suit in which the impugned order was passed, but the learned counsel for the appellant has no information about the latest position.

It appears from the record that an application under Order 39 Rule 1 and 2 CPC was decided by the trial court vide order dated 10th Oct., 1995 and the injunction application was dismissed. Against that order of the dismissal of injunction application, this appeal was preferred in the year 1996. Since 1996, the appeal is pending for service of the respondents. Many a times it was ordered that appellant should take steps to serve the respondents, but the respondents have not been served even after passing of about almost 8 years. Even this court has not passed any interim order in favour of the appellant. Merely because of this fact that the position is continuing since last 6 years,

therefore, there appears to be no reason for interfering in the order dated 10th Oct., 1995 after almost about 9 years so as to grant any relief of interim nature to the appellant, who were not very much vigilant in pursuing the matter. It appears that the suit in the trial court might have been decided by now. In case the suit has not been decided, the same may be decided expeditiously by the trial court.

With these observations, the appeal of the appellant is dismissed.

(Prakash Tatia), J.

c.p.goyal/-